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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,327	01/02/2002	Thomas J. Wheeler	0275Y-000388	7251

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EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/038,327	Applicant(s) WHEELER ET AL.	
	Examiner Clark F. Dexter	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-32,35-43 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-28,30-32,35,37-40,42 and 43 is/are rejected.
- 7) ☒ Claim(s) 29,36,41 and 45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on November 30, 2006 has been entered. Upon careful reconsideration, the indicated allowability of the claims is withdrawn in view of the newly discovered reference(s) to Schnizler et al., pn 5,697,279. Rejections based on the newly cited reference(s) follow. Any inconvenience caused by this action is regretted.

Claim Objections

2. Claims 26-32, 35-43 and 45 are objected to because of the following informalities:

In claim 26, line 16, the recitation "toward said shank first edge" is not sufficiently clear and does not appear to be accurately set forth (e.g. see Fig. 8), and it seems that it should be changed to --toward a line collinear with said shank first edge-- or the like for clarity.

In claim 37, line 20, the recitation "toward said shank first edge" is not sufficiently clear and does not appear to be accurately set forth (e.g. see Fig. 8), and it seems that it should be changed to --toward a line collinear with said shank first edge-- or the like for clarity.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 26, 30, 35, 37 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Schnizler et al., pn 5,697,279.

Regarding claims 26, 30 and 35, Schnizler discloses a saw blade with every structural limitation of the claimed invention including:

a body (e.g., see Fig. 2) adapted for reciprocating engagement with a tool, said body including a cutting portion (e.g., the toothed portion) and a shank portion (e.g., the left-hand portion of the blade) along a longitudinal axis thereof, said cutting portion having a cutting edge on a first side and a back edge on a second side opposite said first side, said shank portion having a first edge (e.g., the upper edge of the shank portion including that inside the blade holder) generally extending from said cutting edge, a second edge (e.g., the lower edge of the shank portion including that inside the blade holder) generally extending from said back edge, and a rear mounting edge (e.g., the curved left edge of the shank portion) generally connecting said first and second edges, a first portion (e.g., the portion between the curved step at the rightmost portion of the shank portion) of said second edge proximate said back edge, said first portion being substantially parallel to said back edge and laterally offset from said back edge such that said first portion is positioned inward of said back edge toward said shank first

Art Unit: 3724

edge (e.g., substantially all of the first portion except portion 23 is parallel to and laterally offset from the back edge), a stepped portion (e.g., the curved portion at the rightmost end of the shank portion) formed between said first portion and said back edge, a second portion (e.g., the downwardly extending portion angularly sloping to the left in Fig. 2) of said second edge extending inwardly from said first portion and being angled with respect to said first portion to define an angularly disposed edge section proximate said rear mounting edge, said second portion extending substantially along said longitudinal axis and disposed at an angle relative to said first portion toward said shank first edge, and said angularly disposed edge section generally defining a reciprocating axis of said saw blade;

(as previously noted, the recitation "generally defining a reciprocating axis of said saw blade" is considered to be a functional recitation of intended use of the claimed saw blade and support structure, and that the saw blade and support structure of Schnizler will meet this limitation if used in a tool that will reciprocate the saw blade and support structure in the claimed manner or otherwise used (e.g., in a hand tool) such that the saw blade and support structure will reciprocate in the claimed manner);

[claim 30] wherein said angle is an acute angle;

[claim 35] wherein said first edge is laterally offset from said cutting edge (see Fig. 2).

Regarding claims 37 and 42, Schnizler discloses a saw blade with every structural limitation of the claimed invention including:

Art Unit: 3724

a support structure (e.g., 1, 6) including a pair of lateral walls (e.g., 6, 6) and a base portion (e.g., 1) extending between said lateral walls, a majority of each of said lateral walls being generally parallel to one another (e.g., see 6 in Fig. 2); and

a saw blade having a body (e.g., see Fig. 2) adapted for reciprocating engagement with said support structure, said body including a cutting portion (e.g., the toothed portion) and a shank portion (e.g., the left-hand portion of the blade) along a longitudinal axis thereof, said cutting portion having a cutting edge on a first side and a back edge on a second side opposite said first side, said shank portion having a first edge (e.g., the upper edge of the shank portion including that inside the blade holder) generally extending from said cutting edge, a second edge (e.g., the lower edge of the shank portion including that inside the blade holder) generally extending from said back edge, and a rear mounting edge (e.g., the curved left edge and the lower angled edge of the shank portion) generally connecting said first and second edges, said second edge proximate said back edge, a first portion (e.g., the portion between the curved step at the rightmost portion of the shank portion) of said second edge being substantially parallel to said back edge and laterally offset from said back edge such that said first portion of said second edge is positioned inward of said back edge toward said shank first edge (e.g., substantially all of the first portion except portion 23 is parallel to and laterally offset from the back edge), a stepped portion (e.g., the curved portion at the rightmost end of the shank portion) formed between said first portion of said second edge and said back edge, a second portion (e.g., the downwardly extending portion angularly sloping to the left in Fig. 2) of said second edge extending inwardly from said

Art Unit: 3724

first portion and being angled with respect to said first portion to define an angularly disposed edge section proximate said rear mounting edge, said second portion extending substantially along said longitudinal axis and disposed at an angle relative to said first portion toward said shank first edge, and said angularly disposed edge section adapted to engage on of said lateral walls of said support structure, said angularly disposed edge section generally defining a reciprocating axis of said saw blade

(as previously noted, the recitation "generally defining a reciprocating axis of said saw blade" is considered to be a functional recitation of intended use of the claimed saw blade and support structure, and that the saw blade and support structure of Schnizler will meet this limitation if used in a tool that will reciprocate the saw blade and support structure in the claimed manner or otherwise used (e.g., in a hand tool) such that the saw blade and support structure will reciprocate in the claimed manner);

[claim 42] wherein said angle is an acute angle.

Claim Rejections - 35 USC § 102/103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions

Art Unit: 3724

covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 32 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Schnizler et al., pn 5,697,279.

Schnizler discloses a saw blade with every structural limitation of the claimed invention including:

wherein said rear mounting edge is generally perpendicular to said angularly disposed edge section (e.g., the lower angled edge of the shank portion is generally perpendicular to the upper angled edge).

In the alternative, if it is argued that Schnizler does not disclose a mounting edge perpendicular to the angularly disposed edge section as claimed, the Examiner's position is that to make the angularly disposed edge and the mounting edge perpendicular to one another would be the mere discovery of the optimum or workable ranges within the general conditions of the prior art by routine experimentation and therefore obvious to one having ordinary skill in the art.

Claim Rejections - 35 USC § 103

7. Claims 31 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schnizler et al., pn 5,697,279.

Schnizler discloses a saw blade with almost every structural limitation of the claimed invention but lacks the angle being between 2 and 6 degrees. However, to provide an angle of between 2 and 6 degrees would have been the mere discovery of the optimum or workable ranges within the general conditions of the prior art and therefore obvious to one having ordinary skill in the art.

8. Claims 27, 28, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schnizler et al., pn 5,697,279 in view of Tseng, pn 5,664,792.

Schnizler discloses a saw blade with almost every structural limitation of the claimed invention but lacks:

[claims 27, 39] wherein said shank portion includes an aperture therethrough;

[claims 28, 40] wherein said aperture includes a flat edge proximate said rear mounting edge.

However, such apertures are old and well known in the art and provide various known benefits including facilitating mounting and dismounting of the saw blade. Tseng discloses one example of such an aperture. Therefore, it would have been obvious to one having ordinary skill in the art to provide such an aperture on the saw blade of Schnizler for the well known benefits including that described above.

9. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schnizler et al., pn 5,697,279 in view of Kuhlmann et al., pn 4,528,753.

Schnizler discloses a saw blade with almost every structural limitation of the claimed invention but lacks:

wherein said base portion includes a stop thereon and said rear mounting edge of said saw blade is disposed against said stop.

However, support structures having such a stop structure are old and well known in the art and provide various well known benefits including facilitating assembly of the blade into the support structure; for example, to provide a positive indication of when the blade is fully and/or sufficiently inserted into the support structure for locking it in position. Kuhlmann discloses just one example of such a stop structure (e.g., see Fig. 6 of Kuhlmann). Therefore, it would have been obvious to one having ordinary skill in the art to provide such a stop structure on the support structure of Schnizler for the well known benefits including that described above.

Allowable Subject Matter

10. Claims 29, 36, 41 and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
12. Applicant's amendment filed August 17, 2006 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

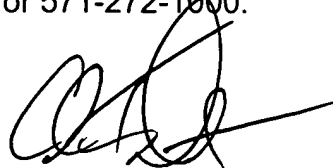
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Clark F. Dexter', with a long horizontal line extending to the right.

Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
February 15, 2007